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NAVIGATORS, ENROLLMENT ASSISTERS, CERTIFIED APPLICATION COUNSELORS AND PRODUCERS

IN THE

SILVER STATE HEALTH INSURANCE EXCHANGE

UPDATED MARCH 1, 2013

PURPOSE

The purpose of this document is to provide information regarding the roles and responsibilities of Navigators, Enrollment Assistors, Certified Application Counselors and Producers¹ in the Silver State Health Insurance Exchange. Information is provided regarding licensing, certification, training, compensation structure, conflicts of interest, relationships with insurers and performance metrics.

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¹ Producers refer to individuals, including brokers and agents, who are licensed by the Nevada Division of Insurance to sell insurance.

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BACKGROUND

The [Patient Protection and Affordable Care Act](#) and the [Health Care and Education Reconciliation Act of 2010](#) (together referred to as the Affordable Care Act or ACA) were signed by President Obama in March 2010. The law requires each state to establish health insurance exchanges². In response to the ACA, and to ensure as little federal intervention as possible, Nevada enacted [Senate Bill 440](#) in June 2011 (later codified as [NRS Chapter 695I](#)) to establish the [Silver State Health Insurance Exchange \(Exchange\)](#).

The ACA requires the Exchange establish a Navigator program to³:

- a. Conduct public education activities to raise awareness of the availability of qualified health plans;

² ACA Section 1311(b) codified as [42 USC § 18031\(b\)](#) – American Health Benefit Exchanges

³ ACA Section 1311(i)(3) codified as [42 USC § 18031\(i\)\(3\)](#) – Navigators; Duties

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- b. Distribute fair and impartial information concerning enrollment in qualified health plans, and the availability of premium tax credits and cost-sharing reductions;
- c. Facilitate enrollment in qualified health plans;
- d. Provide referrals to any applicable office of health insurance consumer assistance, health insurance ombudsman or any other appropriate State agency, for any enrollee with a grievance, complaint, or question regarding their health plan, coverage, or a determination under such plan or coverage; and
- e. Provide information in a manner that is culturally and linguistically appropriate to the needs of the population being served by the Exchange.

Section 1311(i) of the ACA also allows licensed insurance agents and brokers to be Navigators⁴. However, Navigators shall not “receive any consideration directly or indirectly from any health insurance issuer in connection with the enrollment of any qualified individuals or employees of a qualified employer in a qualified health plan⁵.” Therefore, if a Producer chooses to be a Navigator, the Producer can no longer be paid by insurers, which will likely prohibit all Producers from participating in the Navigator program.

However, the ACA allows Producers to assist individuals to enroll in Qualified Health Plans (QHP) and apply for premium tax credits and cost sharing reductions, if the state allows⁶.

The final rule, [CMS-9989-F](#), published March 27, 2012 provides additional guidance regarding Navigator program standards⁷ and discusses the ability of states to permit Producers to assist qualified individuals, qualified employers, or qualified employees enrolling in QHPs⁸.

EXCHANGE ENROLLMENT FACILITATOR CERTIFICATION

Individuals who enroll qualified individuals, qualified employers and their employees in a QHP in the Exchange and who do not hold a Producer license with the Nevada Division of Insurance (DOI) must hold an Exchange Enrollment Facilitator (EEF) Certification issued by the DOI. This requirement would apply to both Navigators and Enrollment Assistants. The EEF training and testing requirements will be created by the DOI in partnership with the Exchange and will be administered by the DOI.

It should be noted that the EEF Certification will require a statutory change to the current statutes by the Legislature.

⁴ ACA Section 1311(i)(2)(B) codified as [42 USC § 18031\(i\)\(2\)\(B\)](#) Navigators; Eligibility; Types

⁵ ACA Section 1311(i)(4)(A)(ii) codified as [42 USC § 18031\(i\)\(4\)\(A\)\(ii\)](#) Navigators; Standards

⁶ ACA Section 1312(e) codified as [42 USC § 18032\(e\)](#) Enrollment Through Agents or Brokers

⁷ 45 CFR § 155.210

⁸ 45 CFR § 155.220

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HHS has indicated that it will release model Navigator training standards that would apply to EEF training. Absent these training standards, the following training outline is proposed. EEF training will consist of an initial training course that will include topics relating to the Exchange and health coverage provided as a result of the ACA, including but not limited to:

- Eligibility requirements
- Coverage available under the ACA
- Qualified Health Plans (actuarial values, co-insurance, co-pays, deductibles)
- Advanced Premium Tax Credits and Cost Sharing Reductions
- Publically funded health care (CHIP, Medicaid)
- Means of appeal and dispute resolution
- Conflict of interest and impartiality
- Exchange privacy policies and requirements
- Use of web portal

A certification test will be administered at the end of the course to demonstrate what knowledge the attendee has retained. Hours per topic, additional topics, specifics regarding testing and passing scores will be provided at a later date.

EEFs will be required to attend annual continuing education. Continuing education will consist of topics covered in the initial training period and updates on any new or changed regulations. EEFs must attend these courses and complete annual re-certification tests to maintain their active EEF status.

NAVIGATORS

The Exchange must have consumer assistance functions, including a Navigator program, and must refer consumers to consumer assistance programs in the State when available and appropriate⁹. Section 1311(i)(3) of the ACA states Navigators will “facilitate enrollment in qualified health plans” offered by the Exchange and “provide information in a manner that is culturally and linguistically appropriate to the needs of the population being served by the Exchange”. Navigators in the Exchange will complement the services provided by Producers by facilitating the enrollment of non-traditional populations that typically do not purchase insurance. These groups include people who are eligible for publicly funded health care (CHIP and Medicaid) and those individuals who do not have the means or ability to travel to a producer (Native Americans living on reservations, rural ranchers, farmers and persons with disabilities). Navigators will serve an important role in educating and enrolling individuals and groups that typically will not enroll unless called upon.

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⁹ 45 CFR § 155.205(d)

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Navigators will consist of individuals, public entities and private entities that will communicate with, educate and enroll qualified individuals and employers in Qualified Health Plans (QHPs) and publicly funded health care through the multiple enrollment methods provided by the Exchange. Navigators, Enrollment Assistants and Producers will work in concert to ensure all individuals have access to health insurance coverage provided as a result of the Affordable Care Act (ACA).

The Exchange must offer Navigator grant funds to a community and consumer-focused nonprofit group and an entity from at least one of the following categories:¹⁰

- Trade, industry and professional associations;
- Commercial fishing industry organizations, ranching and farming organizations;
- Chambers of commerce;
- Unions;
- Resource partners of the Small Business Administration;
- Licensed agents and brokers; or
- Other public or private entities or individuals that may include but are not limited to Native American tribes, tribal organizations, urban Indian organizations, and State or local human service agencies.

The above entities will receive the Navigator designation if they successfully submit an approved Navigator grant application and have employees or associated volunteers who have an EEF Certification issued by the (DOI). To ensure consumers are properly protected, only individuals who have the EEF Certification (and licensed Producers) may enroll consumers in Qualified Health Plans.

Navigators must not be:¹¹

- A health insurance issuer;
- A subsidiary of a health insurance issuer;
- An association that includes members of, or lobbies on behalf of, the insurance industry; or
- An entity or individual that receives any consideration directly or indirectly from any health insurance issuer in connection with the enrollment of any individuals or employees in a QHP or a non QHP. This requirement does not exclude providers from being Navigators; providers may be Navigators. However, provider organizations that are owned by an insurance issuer may not be Navigators, pursuant to 45 CFR 155.210(d)(2).

ROLES AND RESPONSIBILITIES OF NAVIGATORS

Navigators will be responsible for outreach, education and enrollment for the currently uninsured or underinsured populations and will present to those populations the options available under the

¹⁰ 45 CFR § 155.210(c)(2)

¹¹ 45 CFR 155.210(d)

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ACA. This outreach and education will include information regarding the ACA as it relates to the Exchange including but not limited to:

- Program Eligibility- Rules to purchase subsidized insurance through the Exchange and eligibility for Medicaid, CHIP, Medicare or other programs;¹²
- Methods of Purchase- Different means available to purchase and enroll in a QHP: Exchange web portal, Exchange call-in center, walk-in centers, kiosks located in community service centers and state agencies, mail in applications and fax applications;
- Reasons to Purchase- Education on the benefits of health insurance and what health insurance provides for individual and employers;
- Definitions of health insurance terms- For Example, aiding the consumer to understand the difference between a premium, deductible and co-insurance;
- Dispute Resolution- Providing information to the consumer to find avenues to resolve disputes with carriers, such as directing them to the DOI and the Department of Health and Human Services Consumer Health Assistance Unit (formerly GovCHA), and referring enrollment disputes to the Exchange;¹³
- Cultural Diversity- Providing culturally and linguistically appropriate health insurance education to Hispanics, Asians, Native Americans, those with disabilities and other groups;¹⁴
- Group Outreach Opportunities- Outreach to consumers typically in group settings, focusing on broad topics related to health insurance and coverage options.
- Access to enrollment localities- Provide access to locations or mobile computing centers that will facilitate access to the Exchange's web portal, call center, or FAX line or provide the ability to print and mail hard copies of enrollment documents to the Exchange processing center;¹⁵
- Answers to enrollment questions- Address questions regarding access to any of the enrollment methods and the submission of enrollment documentation to the Exchange;
- Explain eligibility criteria- Explain the eligibility criteria for purchasing insurance through the Exchange, enrolling in Medicaid and other State programs designed to provide medical coverage;
- Provide documentation- Provide the consumer with documentation regarding the available plans, enrollment letters stating the date coverage will start, etc.; and
- Furnish unbiased explanations of coverage provided on the web portal- The enrollment Navigators must not offer any opinion or editorial on the QHPs in the Exchange¹⁶. Information provided by Navigators must be limited to that information available on the web portal.

¹² 45 CFR 155.210(e)(1)

¹³ 45 CFR 155.210(e)(4)

¹⁴ 45 CFR 155.210(e)(5)

¹⁵ 45 CFR 155.210(e)(1) and (3)

¹⁶ 45 CFR 155.210(e)(2). Additionally, the state is prohibited from requiring Navigators to purchase errors and omissions liability coverage and from licensing Navigators as Producers (see Federal Register, Vol. 77, No. 59, Tuesday, March 27, 2012, Rules and Regulations, p. 18331). To minimize the liability to the Navigator and to the Exchange, Navigators must only provide to the consumer information that is available on the Exchange web portal.

NAVIGATOR COMPENSATION

All Navigators participating in the Exchange will receive funding through a competitive block grant process. Potential Navigators will submit applications requesting consideration as a Navigator. This application should¹⁷:

- Demonstrate to the Exchange that the entity has existing relationships, or could readily establish relationships, with employers and employees, consumers (including uninsured and underinsured consumers), or self-employed individuals likely to be eligible for enrollment in a QHP;
- Demonstrate willingness to meet the standards prescribed by the Exchange;
- Show the Navigator has or will have prior to the commencement of Navigator operations employees or associated volunteers who have an EEF Certification issued by the DOI. If the Navigator ceases to have an EEF certified individual on staff, all Navigator operations and funding must cease;
- Include contract language that indicates the entity will not have a conflict of interest during its term as Navigator, and if a conflict of interest occurs (including receipt of payment or other consideration from health insurance issuer in connection with enrollment of individuals or groups), the Navigator may be required to pay back Navigator grant funds to the Exchange;
- Demonstrate that the entity has processes in place that comply with the privacy and security standards adopted by the Exchange as required in accordance with § 155.260; and
- Demonstrate how the organization's business model, service area and clientele will be leveraged to support the Navigator mission and show how Navigator funds will support the Navigator mission and ancillary functions of the entity.

The Exchange will review the competitive grant applications and award grants to qualified Navigator groups throughout the state of Nevada. Please see the [Finance and Sustainability Plan](#) for details regarding the funds that will be available for Navigators.

Pursuant to ACA § 1311(i)(6)¹⁸, the funding of Navigators shall be from the operational funds of the Exchange. Navigators cannot be paid by the ACA Establishment Grant funds awarded by the Federal Government to the State of Nevada. This means that any increase to the Navigator

¹⁷ 45 CFR § 155.210(c)(1)

¹⁸ Codified as [42 USC § 18031\(i\)\(6\)](#)

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budget will increase the per member per month fee charged to the carrier, which is, in turn, included in the premium and charged to the consumer.

NAVIGATORS AND CONFLICTS OF INTEREST

Navigators cannot have conflicts of interest, financial or otherwise, and will need to comply with the Exchange's privacy and security standards. Please see the section regarding Conflicts of Interest for Navigators and Enrollment Assistants for more details.

NAVIGATOR PERFORMANCE METRICS

The Exchange will monitor available enrollment metrics so the Exchange can provide reasonable future improvements to the system. Navigators will enter an EEF ID number into the web portal when assisting a consumer with enrollment. This code will help staff review enrollment trends and monitor post enrollment surveys. Enrollment trends can be analyzed to determine if certain Navigators are steering business in a manner that is statistically significant when compared to other Navigators. Post transaction surveys will be available to the consumer so that they may provide feedback on the enrollment experience.

ENROLLMENT ASSISTERS

To keep fees charged by the Exchange at a minimum and ensure that the Exchange can reach and enroll the uninsured consumers in Nevada, the Exchange will utilize a classification of in person assistance called Enrollment Assistants. Enrollment Assistants in the Exchange will complement the services provided by Producers and Navigators by facilitating the enrollment of non-traditional populations that typically do not purchase insurance. These groups include people who are eligible for publicly funded health care (CHIP and Medicaid) and those individuals who do not have the means or ability to travel to a producer (Native Americans living on reservations, rural ranchers, farmers and persons with disabilities). Enrollment Assistants will serve an important role in educating and enrolling individuals and groups that typically will not enroll unless called upon.

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Enrollment Assistants will consist of individuals, public entities and private entities that will enroll consumers in Qualified Health Plans (QHPs) and publicly funded health care through the multiple enrollment methods provided by the Exchange. Navigators, Enrollment Assistants and Producers will work in concert to ensure all individuals have access to health insurance coverage provided as a result of the Affordable Care Act (ACA).

Individuals, public entities and private entities that successfully submit an approved Enrollment Assistant grant application and have employees or associated volunteers who have an EEF

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Certification issued by the (DOI) will receive the Enrollment Assistant designation. To ensure consumers are properly protected, only individuals who have the EEF Certification (and licensed Producers) may enroll consumers in Qualified Health Plans.

Enrollment Assistants must not be:

- A health insurance issuer;
- A subsidiary of a health insurance issuer;
- An association that includes members of, or lobbies on behalf of, the insurance industry;
or
- An entity or individual that receives any consideration directly or indirectly from any health insurance issuer in connection with the enrollment of any individuals or employees in a QHP or a non QHP. This requirement does not exclude providers from being Enrollment Assistants; providers may be Enrollment Assistants. However, provider organizations that are owned by an insurance issuer may not be Enrollment Assistants.

ROLES AND RESPONSIBILITIES OF ENROLLMENT ASSISTANTS

Enrollment Assistants will be responsible for enrollment of the currently uninsured or underinsured populations. The Enrollment Assistants will provide information regarding the ACA as it relates to the health insurance coverage options for Nevadans including but not limited to:

- Program Eligibility- Rules to purchase subsidized insurance through the Exchange and eligibility for Medicaid, CHIP, Medicare or other programs;
- Methods of Purchase- Different means available to purchase and enroll in a QHP: Exchange web portal, Exchange call-in center, walk-in centers, kiosks located in community service centers and state agencies, mail in applications and fax applications;
- Definitions of health insurance terms- For Example, aiding the consumer to understand the difference between a premium, deductible and co-insurance;
- Dispute Resolution- Providing information to the consumer to find avenues to resolve disputes with carriers, such as directing them to the DOI and the Department of Health and Human Services Consumer Health Assistance Unit (formerly GovCHA), and referring enrollment disputes to the Exchange;
- Access to resources- Provide access to locations, mobile computing centers or other resources that will facilitate access to the Exchange's web portal, call center, or FAX line or provide the ability to print and mail hard copies of enrollment documents to the Exchange processing center;
- Answers to enrollment questions- Address questions regarding access to any of the enrollment methods and the submission of enrollment documentation to the Exchange;
- Explain eligibility criteria- Explain the eligibility criteria for purchasing insurance through the Exchange, enrolling in Medicaid and other State programs designed to provide medical coverage;

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- Provide documentation- Provide the consumer with documentation regarding the available plans, enrollment letters stating the date coverage will start, etc.; and
- Furnish unbiased explanations of coverage provided on the web portal- The Enrollment Assistors must not offer any opinion or editorial on the QHPs in the Exchange. Information provided by Enrollment Assistors must be limited to the information available on the web portal.
- Cultural Diversity- Providing culturally and linguistically appropriate health insurance enrollment assistance for Hispanics, Asians, Native Americans, those with disabilities and other groups

ENROLLMENT ASSISTOR COMPENSATION

All Enrollment Assistors participating in the Exchange will receive funding through a competitive block grant process. Potential Enrollment Assistors will submit applications requesting consideration as an Enrollment Assister. This application should:

- Demonstrate to the Exchange that the entity has existing relationships, or could readily establish relationships, with employers and employees, consumers (including uninsured and underinsured consumers), or self-employed individuals likely to be eligible for enrollment in a QHP;
- Demonstrate willingness to meet the standards prescribed by the Exchange;
- Show the Enrollment Assister has or will have prior to the commencement of Enrollment Assister operations employees or associated volunteers who have an EEF Certification issued by the DOI. If the Enrollment Assister ceases to have an EEF certified individual on staff, all Enrollment Assister operations must cease;
- Include contract language that indicates the entity will not have a conflict of interest during its term as an Enrollment Assister, and if a conflict of interest occurs (including receipt of payment or other consideration from health insurance issuer in connection with enrollment of individuals or groups), the Enrollment Assister may be required to pay back Enrollment Assister grant funds to the Exchange;
- Demonstrate that the entity has processes in place that comply with the privacy and security standards adopted by the Exchange as required in accordance with § 155.260; and
- Demonstrate how the organization's business model, service area and clientele will be leveraged to support the Enrollment Assister mission and show how Enrollment Assister funds will support the Enrollment Assister mission and ancillary functions of the entity.

The Exchange will review the competitive grant applications and award grants to qualified Enrollment Assistors groups throughout the state of Nevada. Please see the [Finance and Sustainability Plan](#) for details regarding the funds that will be available for Enrollment Assistors. The Exchange will fund these grants using funds from Nevada's Level II Establishment Grant.

ENROLLMENT ASSISTERS AND CONFLICTS OF INTEREST

Enrollment Assistants cannot have conflicts of interest, financial or otherwise, and will need to comply with the Exchange's privacy and security standards. Please see the section regarding Conflicts of Interest for Navigators and Enrollment Assistants for more details.

ENROLLMENT ASSISTANT PERFORMANCE METRICS

The Exchange will monitor available enrollment metrics so the Exchange can provide reasonable future improvements to the system. Enrollment Assistants will enter an EEF ID number into the web portal when assisting a consumer with enrollment. This code will help staff review enrollment trends and monitor post enrollment surveys. Enrollment trends can be analyzed to determine if certain Enrollment Assistants are steering business in a manner that is statistically significant when compared to other Enrollment Assistants. Post transaction surveys will be available to the consumer so that they may provide feedback on the enrollment experience.

CONFLICTS OF INTEREST FOR NAVIGATORS AND ENROLLMENT ASSISTERS

Navigators and Enrollment Assistants cannot have conflicts of interest, financial or otherwise, and will need to comply with the Exchange's privacy and security standards. Specifically, Navigators and Enrollment Assistants cannot receive any consideration, financial or otherwise, from carriers.

Conflict of interest includes, but is not limited to, the following:

- Financial considerations: Entities performing the duties of Navigator or Enrollment Assistant shall not receive compensation from funds derived from the enrollment of individuals, families or groups in health insurance plans. This includes but is not limited to:
 - Employees who work for subsidiaries of health insurance Issuers even if that subsidiary does not offer health insurance for purchase.
 - Employees of hospitals that are owned in whole or in part by health insurance Issuers.
 - Lobbyists or employees of entities that lobby for the interests of health insurance Issuers.
- Nonfinancial considerations: Entities performing the duties of Navigator or Enrollment Assistant shall not receive gifts, rebates, vacations, prizes or any other non-financial consideration from a health insurance Issuer or an employer for the enrollment of an individual, family or group in the Exchange.

Navigators and Enrollment Assistants are required to disclose the following information to the Exchange and to consumers seeking assistance:

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- The impact of immediate family member's employment or activities with other potentially conflicted entities, including the employment of a family member by a health insurance Issuer including agents, brokers and producers.
- Existing financial and non-financial relationships with health insurance Issuers including pensions from Issuers, investments in Issuers and receiving funds from Issuers for other activities (health outreach sponsored by Issuers, Public Awareness Campaigns sponsored by Issuers, etc.)

To ensure that the public is protected from possible conflicts of interest in the Exchange, the Exchange will monitor Navigators and Enrollment Assistants based enrollment patterns to make sure that the entities are providing unbiased information to the consumer. If a Navigator or Enrollment Assistant is found to be steering consumers into a certain plan for the purpose of financial or material gain, the Exchange and/or the Nevada Division of Insurance will inform individuals of the legal and financial recourses for consumers that have been adversely affected by a Navigator with a conflict of interest. The Nevada Division of Insurance and the Exchange will investigate and seek all applicable civil and criminal penalties for Navigators and Enrollment Assistants that act in a manner inconsistent with the conflict of interest standards set forth by the Exchange. The civil and criminal penalties that apply to Exchange Enrollment Certification may be found in Nevada BDR number 13A7411344. The reference to this section will be updated as a Senate or Assembly Bill number is assigned.

Due to the above conflict of interest standards, any Producers that are currently licensed and wish to obtain a Navigator designation must sever all appointments with carriers.

CERTIFIED APPLICATION COUNSELORS (CACs)

The Exchange must certify staff and volunteers of Exchange designated organizations and organizations designated by state Medicaid and CHIP agencies.¹⁹ These Certified Application Counselors (CACs) will perform many of the same functions of enrollment assistants. It is thought that CACs will largely be utilized in hospitals to enroll patients in insurance so that the next time the patient returns to the hospital, he or she will be protected by a health insurance policy. However, CACs may be part of any organization that wishes to assist individuals enroll in insurance.

ROLES AND RESPONSIBILITIES OF CACs

Certified Application Counselors will assist individuals enroll in Qualified Health Plans in the Exchange and assist eligible individuals enroll in Medicaid. This includes:

- Providing information about insurance affordability programs and coverage options;

¹⁹ 45 CFR § 155.225, [Federal Register, Vol. 78, No. 14, Tuesday, January 22, 2013, Proposed Rules, pp. 4594-4724](#)

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- Assisting individuals and employees to apply for coverage in a QHP through the Exchange and for insurance affordability programs; and
- Helping to facilitate enrollment of eligible individuals in QHPs and insurance affordability programs.

CERTIFICATION OF CACs

The Exchange must certify an individual to become an application counselor if he or she:

- Shows proof to the Exchange that all employees/volunteers/individuals that are engaged in the acts of a CAC have completed the Exchange Enrollment Facilitator (EEF) Certification;
- Registers with the Exchange;
- Discloses to the Exchange and potential applicants any relationships the application assister or sponsoring agency has with QHPs or insurance affordability programs, or other potential conflicts of interest;
- Complies with the Exchange's privacy and security standards adopted consistent with 45 CFR 155.260, and applicable authentication and data security standards;
- Agrees to act in the best interest of the applicants assisted;
- Complies with applicable state law related to application counselors, including but not limited to state law related to conflicts of interest;
- Provides information with reasonable accommodations for those with disabilities, as defined by the Americans with Disabilities Act, if providing in-person assistance; and
- Enters into an agreement with the Exchange regarding compliance with the standards specified in this paragraph;
- Ensures that applicants provide authorization for the disclosure of applicant information to an application counselor prior to a counselor helping the applicant with submitting an application;
- Ensures that applicants are informed of the functions and responsibilities of certified application counselors.

The Exchange will withdraw certification from individual application counselors, or from all application counselors associated with a particular organization when it finds noncompliance with the terms and conditions of the application counselor agreement.

COMPENSATION OF CACs

CACs will not be compensated by the Exchange. Certified application counselors may not impose any charge on applicants for application assistance.

PRODUCERS

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Producers in Nevada play an important and influential role in the distribution of health insurance. Both individual consumers and business owners rely on Producers to sort through their health insurance options, provide health plan recommendations, and serve as their agents throughout the year in dealings with insurance companies. Producers in Nevada serve hundreds of thousands of policies.

Additionally, it should be noted that a large portion of uninsured Nevadans do not have insurance because it is expensive. The premium tax credit will make health insurance more affordable. Producers are currently positioned to assist these new entrants into the health insurance market. Producers will increase the awareness of the Exchange, increase enrollment in the Exchange and ultimately encourage the long term financial sustainability of the Exchange.

ROLES AND RESPONSIBILITIES OF PRODUCERS IN THE EXCHANGE

Producers who enroll individuals and employers in QHPs through the Exchange will act in much the same manner as Producers who sell insurance products in the pre-Exchange market. Producers will continue to provide individuals and employers with information regarding health insurance and assistance in enrollment in health plans. Additionally, many full-service brokerage firms provide assistance with claim and billing issues and assist employers in the creation of complete benefit packages. Producers are encouraged to continue to provide these value added services to individuals and employers.

In addition to the standard functions above, Producers that enroll individuals in QHPs through the Exchange must also understand the basics of the Exchange's web portal, Advanced Premium Tax Credits, structure of the Small Business Health Options Program (SHOP) Exchange, Medicaid enrollment and where to direct individuals who require social services from programs such as Supplemental Nutrition Assistance Program (SNAP; formerly food stamps) and Temporary Assistance for Needy Families (TANF).

LICENSING, CERTIFICATION AND TRAINING OF PRODUCERS

The final rule requires Producers to register with the Exchange, receive training in the range of QHP options and insurance affordability programs, and comply with the Exchange's privacy and security standards²⁰.

Additionally, "an agent or broker that enrolls qualified individuals in a QHP in a manner that constitutes enrollment through the Exchange or assists individuals in applying for advance payments of the premium tax credit and cost-sharing reductions for QHPs must comply with applicable State law related to agents and brokers, including applicable State law related to confidentiality and conflicts of interest²¹." Nevada's DOI has statutory responsibility for licensing and overseeing Producers. The Division requires applicants to successfully pass the

²⁰ 45 CFR § 155.220(d)

²¹ 45 CFR § 155.220(e)

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state insurance exam in the line(s) of authority for which the applicant is applying (e.g., health, property and casualty, life). Individuals applying for a resident license with the DOI must furnish a complete set of fingerprints and undergo a criminal history background check²².

Producers seeking licensure in the State of Nevada to sell health insurance must take a course consisting of at least 5 hours of instruction in the provisions of title 57 of NRS and the regulations adopted pursuant to those provisions, at least one-half of which must cover the laws and regulations common to all lines of insurance, and at least 15 hours of instruction covering²³:

- a. Principles and concepts of insurance in general;
- b. Basic principles and concepts of accident and health insurance;
- c. The contract for accident and health insurance and provisions of the policy;
- d. Accident and health insurance offered by private companies;
- e. Accident and health insurance offered by a governmental entity;
- f. Types of policies and coverage for accident and health insurance;
- g. Group insurance and plans of special insurance;
- h. The ethical responsibilities of the producer; and
- i. Regulation by the government.

Producers seeking to renew a license must successfully complete 30 hours of approved continuing education in the three years prior to renewal, at least 3 hours of which must be in the subject of ethics²⁴.

Prior to enrolling individuals or employers in any QHP through the Exchange, Producers shall be certified by the Exchange. To be certified by the Exchange, a Producer shall²⁵:

1. Have a license as a producer of health insurance pursuant to [NRS Chapter 683A](#); such license shall be in good standing with the DOI and shall not be revoked, suspended, expired or otherwise terminated; and
2. Sign an agreement with the Exchange indicating the Producer agrees to comply with the Exchange's privacy and security standards.

Training and testing on the following subjects will be incorporated into the standard training received by producers of health insurance prior to licensing and during the required continuing education:

- a. Coverage available through the Exchange
- b. Eligibility requirements
- c. Advanced Premium Tax Credits
- d. Publically funded health care and public assistance programs and referrals (Medicaid, CHIP, SNAP, TANF)
- e. Exchange web portal operation

²² [NRS 683A.251](#)

²³ [NAC 683A.221](#)

²⁴ [NAC 683A.330](#)

²⁵ 45 CFR § 155.220(d) & (e)

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f. Enrollment appeal and dispute resolution

PRODUCER COMPENSATION

Producers will not be compensated by the Exchange (unless they sever all appointments with health insurance issuers and become Navigators). Producers will receive compensation from carriers, for enrollment in the Exchange, in accordance with the Producers' contracts with the carriers in the same or similar manner as is done today. These contracts are outside the purview of the Exchange. However, the Exchange enrollment system will accept the Producer's National Producer Number (NPN) and transmit that data to the carrier so that the Producer can receive the commission directly from the carrier, in whichever manner is provided for in the contract. It is the Producers' responsibility to make sure they are appointed with the carriers on the Exchange to receive compensation.

PERFORMANCE METRICS

The Exchange will monitor available enrollment metrics so the Exchange can provide reasonable future improvements to the system. Producers will enter their NPN into the web portal when assisting a consumer with enrollment. This code will help staff review enrollment trends and monitor post enrollment surveys. Enrollment trends can be analyzed to determine if certain Producers are steering business in a manner that is statistically significant when compared to other Producers. Post transaction surveys will be available to the consumer so that they may provide feedback on the purchasing experience.

SUMMARY

EXCHANGE ENROLLMENT FACILITATOR CERTIFICATION

Participation – Any individual who wishes to enroll individuals in Exchange coverage and who does not have a producer license must obtain an EEF Certification issued by the DOI.

Training – To obtain an EEF Certification, the individual must complete 20 hours of training and pass a test provided by the DOI through its certification process. The training curriculum will be created by the DOI in consultation with the Exchange.

Responsibilities – Education, outreach and enrollment of individuals in QHPs. Support consumers with appeals, complaints and service after enrollment in a QHP.

NAVIGATORS

Participation – An entity listed in 45 CFR § 155.210 that:

- Retains individuals who hold a current EEF Certification issued by the DOI;
- Do not receive direct or indirect consideration from carriers; and
- Is appointed by the Exchange.

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Compensation – Navigators will be compensated through competitive grants awarded by the Exchange. The grants will be awarded in a block amount to the Navigator and paid on a reimbursement basis. Monies to fund these competitive grants will originate from operating revenues of the Exchange, not from ACA grants.

Responsibilities – Education, outreach and enrollment of individuals and employers in QHPs. Support consumers with appeals, complaints and service after enrollment in a QHP.

Conflicts – Navigators must not receive any direct or indirect consideration from carriers.

ENROLLMENT ASSISTERS

Participation – Individuals, public entities and private entities that:

- Retains individuals who hold a valid current EEF Certification issued by the DOI;
- Do not receive direct or indirect consideration from carriers; and
- Is appointed by the Exchange.

Compensation – Enrollment Assistants will be compensated through competitive grants awarded by the Exchange. The grants will be awarded in a block amount to the Enrollment Assistants and paid on a reimbursement basis. Monies to fund these competitive grants will originate from Exchange's Level II Establishment Grant grants.

Responsibilities – Enrollment of individuals and employers in QHPs.

Conflicts – Enrollment Assistants must not receive any direct or indirect consideration from carriers.

CERTIFIED APPLICATION COUNSELORS (CACs)

Participation – Individuals, public entities and private entities that:

- Retains individuals who hold a valid current EEF Certification issued by the DOI; and
- Is appointed by the Exchange.

Compensation – Certified Application Counselors will not be compensated directly or indirectly by the Exchange.

Responsibilities – Enrollment of individuals in QHPs.

PRODUCERS

Participation – All Producers of health insurance are allowed to sell on the Exchange.

Licensure – Producers will be licensed in the same manner they currently are with the Division of Insurance (DOI).

Training – The DOI will incorporate training and testing regarding Qualified Health Plans (QHPs), the Exchange and Medicaid eligibility into the initial licensing requirements for all new Health Insurance Producers. Current Producers will be certified to sell on the Exchange through continuing education classes similar to the rollout of the Health Insurance Portability and Accountability Act (HIPAA).

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Compensation – Producers will be compensated by carriers in a similar manner as is done today.

As is required today, the Producer must be appointed by the carrier to enroll individuals in the carrier's QHPs.

Responsibilities – Enrollment of individuals and employers in QHPs; one on one education; support consumers with appeals, complaints and service after enrollment in a QHP.

Figure 1: Summary of program requirements for Navigators, Enrollment Assistants, Certified Application Counselors and Producers

	Navigators	Enrollment Assistants	CACs	Producers
Information to be Provided to Consumer				
Eligibility information for coverage through the Exchange, premium tax credits or publicly subsidized programs such as Medicaid, CHIP, Medicare, etc.	X	X	X	X
Methods to purchase and enroll in a QHP: Exchange web portal, Exchange call-in center, walk-in centers, kiosks located in community service centers, mail in applications and fax applications.	X	X	X	X
Education on the benefits of health insurance and what health insurance provides for the individual.	X			X
Definitions of health insurance terms, for example, aiding the consumer to understand the difference between a premium, deductible and co-insurance.	X	X	X	X
Providing information to the consumer to find avenues (such as DOI, GOVCHA and the Welfare dispute center) to resolve disputes with carriers.	X	X	X	X
Providing culturally and linguistically appropriate health insurance education to groups in Nevada including but not limited to Hispanics, Asians and American Indians.	X			
Providing culturally and linguistically appropriate health insurance enrollment assistance to groups in Nevada including but not limited to Hispanics, Asians and American Indians.	X	X		
Outreach to consumers typically in group settings, focusing on broad topics related to health insurance and coverage options.	X			
Compensation				
Funded by grants from the Exchange paid by the ACA		X		
Funded by grants from the Exchange paid by operational funds	X			
Funded by commissions paid by the Carrier				X
Licensing, Certification and Training				
Licensed and regulated by DOI				X

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	Navigators	Enrollment Assistors	CACs	Producers
Certified and regulated by DOI in partnership with the Exchange	X	X	X	
Criminal background check required	X	X	X	X
Training provided by Nevada DOI	X	X	X	X
Enrollment				
Enroll consumers in plans offered in the exchange.	X	X	X	X
Enroll consumers in plans offered outside of the exchange.				X
Assist in submission of enrollment documentation to the Exchange.	X	X	X	X
Provide the consumer with documentation stating the date coverage will start and the appropriate agencies to contact if the consumer encounters problems with enrollment, coverage or payment.	X	X	X	X